

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)

STANDARD TERMS AND CONDITIONS -- DISCRETIONARY GRANTS

The attached Financial Assistance Award is subject to Federal legislation and to DHHS and ACF regulations and policies. These include the following:

1. For institutions of higher education, hospitals, other non-profit organizations, and commercial (for-profit) organizations, Title 45 of the Code of Federal Regulations (45 CFR) Part 74, *"Uniform Administrative Requirements for Awards and Subawards to Institutes of Higher Education, Hospitals, Other Non-Profit Organizations; and Commercial Organizations; and Certain Grants and Agreements with States, Local Governments and Indian Tribal Governments."*
[\[http://www.hhs.gov/progorg/grantsnet/adminis/cfr45.html\]](http://www.hhs.gov/progorg/grantsnet/adminis/cfr45.html)
2. For States, local governments and Federally recognized Indian Tribes, 45 CFR Part 92, *"Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."* [\[http://www.hhs.gov/progorg/grantsnet/adminis/cfr45.html\]](http://www.hhs.gov/progorg/grantsnet/adminis/cfr45.html)
3. Other DHHS regulations codified in Title 45 of the Code of Federal Regulations [\[http://www.hhs.gov/progorg/grantsnet/adminis/cfr45.html\]](http://www.hhs.gov/progorg/grantsnet/adminis/cfr45.html):
 - Part 16 - Procedures of the Departmental Grant Appeals Board
 - Part 30 - Claims Collection
 - Part 46 - Protection of Human Subjects
 - Part 76 - Governmentwide Debarment and Suspension (Non-Procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)
 - Part 80 - Nondiscrimination Under Programs Receiving Federal Assistance through the DHHS Effectuation of Title VI of the Civil Rights Act of 1964
 - Part 81 - Practice and Procedure for Hearings Under Part 80 of This Title
 - Part 84 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
 - Part 86 - Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance
 - Part 91 - Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance
 - Part 93 - New Restrictions on Lobbying
 - Part 100 - Intergovernmental Review of DHHS Programs and Activities
4. 37 CFR Part 401 - Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements.
[\[http://www.access.gpo.gov/nara/cfr/waisidx/37cfr401.html\]](http://www.access.gpo.gov/nara/cfr/waisidx/37cfr401.html)
5. The recipient organization must carry out the project according to the application as approved by the Administration for Children and Families (ACF), including the proposed work program and any amendments, all of which are incorporated by reference in these terms and conditions.
6. If this is a multi-year project and it is not the final budget period, the grantee is advised that future awards for continuation of this project will be dependent upon the availability of Federal funds, satisfactory progress by the grantee, and ACF's determination that continued funding is in the best interest of the Federal government.
7. Grantees shall liquidate all obligations incurred under the award not later than 90 days after the end of the project period. The only exceptions to this rule are the basic Head Start grants

with an indefinite project period. For these grants, liquidation of obligations should occur not later than 90 days after each budget period. In either case, an unobligated balance from a prior budget period does not authorize a grantee to obligate funds in excess of the total federally approved budget reflected on the FAA for the current budget period.

8. The DHHS Inspector General maintains a toll free number, **800-HHS-TIPS** (800-447-8477), for receiving information concerning fraud, waste or abuse under grants and cooperative agreements. Such reports are kept confidential, and callers may decline to give their names if they choose to remain anonymous. [<http://www.dhhs.gov/progorg/oei/hotline/hhshot.html>]
9. The grantee will take all necessary affirmative steps to ensure that small, minority and woman-owned business firms are utilized when possible as sources of supplies, services, equipment and construction. To the extent practicable, all equipment and products purchased with funds made available through this award should be American-made.

Failure to submit reports (i.e., financial, progress, or other required reports) on time may be the basis for withholding financial assistance payments, suspension, termination or denial of refunding. A history of such unsatisfactory performance may result in designation of "high risk" status for the recipient organization and may jeopardize potential future funding from DHHS.
11. Under Section 508 of Public Law 103-333, the following condition is applicable to all Federal awards:

"When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) the percentage and dollar amount of total costs of the project or program that will be refinanced by nongovernmental sources."
12. Public Law 103-227, Part C - Environmental Tobacco Smoke, also known as the Pro-Children's Act of 1994 requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. [<http://www.ed.gov/legislation/GOALS2000/TheAct/sec1043.html>]

For purposes of this award each item of equipment with an acquisition cost of less than \$5,000 is included under supplies, is allowable as a direct cost of this project, and does not require prior approval of the Grants Officer. Conversely, an item of equipment with an acquisition cost of \$5,000 or more is NOT considered an allowable project cost without prior written approval of the Grants Officer.
14. The Grantee shall comply with all provisions of OMB Circular A-133 (revised June 24, 1997), "*Audits of States, Local Governments and Non-Profit Organizations*." [<http://www.whitehouse.gov/WH/EOP/OMB/html/circulars/a133/a133.html>] Grantees that expend a total of \$300,000 or more in federal funds are required to submit an annual audit within nine months after the end of the audit period. The Reporting Package should include: 1) SF-SAC-Data Collection Form for Reporting on Audits of States, Local Governments and Non-Profit Organizations [<http://harvester.census.gov/sac/mstempl.html>]; 2) Summary of prior audit findings; 3) Auditors reports; and 4) Corrective action plans. Copies of this Reporting Package are to be sent to: Single Audit Clearinghouse, Bureau of the Census, 1201 E. 10th Street, Jeffersonville, Indiana 47132. The Grantee is requested to send a courtesy copy of the Reporting Package with a copy of any

management letters issued by the auditor to: ACF Grants Officer, Administration for Children and Families, [fill in RO address].

15. Grantees shall comply with the particular set of federal cost principles that applies in determining allowable costs. Allowability of costs shall be determined in accordance with the cost principles applicable to the entity incurring the costs:

The allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A-87, "*Cost Principles for State and Local Governments*."

[<http://www.whitehouse.gov/WH/EOP/OMB/html/circulars/a087/a087-all.html>]

The allowability of costs incurred by nonprofit organizations (except for those listed in Attachment C of Circular A-122) is determined in accordance with the provisions of OMB Circular A-122, "*Cost Principles for Nonprofit Organizations*" and paragraph (b) of 45 CFR §74.27. [<http://www.whitehouse.gov/WH/EOP/OMB/html/circulars/a122/a122.html>]

The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular A-21, "*Cost Principles for Educational Institutions*": [<http://www.whitehouse.gov/WH/EOP/OMB/html/circulars/a021/a021.html>]

The allowability of costs incurred by hospitals is determined in accordance with the provisions of Appendix E of 45 CFR Part 74, "*Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals*."

- The allowability of costs incurred by commercial organizations and those non-profit organizations listed in Attachment C to Circular A-122 is determined in accordance with the provisions of the federal Acquisition Regulation (FAR) at 48 CFR Part 31, except that independent research and development costs are unallowable.

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